IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16491 of 2004

Between:

M/s.Raus Power Ltd., 6-3-347/13, Flat No.201,
Tejaswi Apt.,Panjagutta, Hyderabad rep., by its M.D.Mr.M.Raghunath

..... PETITIONER

AND

1 The Andhra Pradesh Electricity Regulatory Commission, Red Hills, Hyderabad rep., by its Chairman
2 The Andhra Pradesh Transmission Company Ltd., Vidyut Soudha, Somajiguda, Hyderabad rep., by its Chairman-cum-Managing Director.
3 Non-Conventional Energy Development Corporation of Andhra Pradesh Ltd., Nampally, Hyderabad, rep., by its Managing Director

.....RESPONDENTS

Note: W.P is dismissed as not pressed only insofar as the Respondent No.-3 is concerned as per Court order dated 1-3-2005.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in revising the purchasing rate of the Electricity Energy through its order dated 20-03-2004 in RP No.84/2003 in OP No.1075/2000 and RP No.13/2004 as confirmed in RP No.13/04 dated 10-07-2004 with a drastic reduction from the prevailing tariff without considering the representations and scientific data supplied by the petitioner and identifying the petitioner on par with Biomass projects in negation of the recommendations of the 3rd respondent and Ministry of non-Conventional Energy Sources, the expert body, as being illegal, arbitrary and offends Article 14, 19(1)(g) of the Constitution of India and to consequently set aside the order dated 20-03-2004 passed in RP No.84/2003 in OP No.1075/2000 as confirmed in RP No.13/04 dated 10-07-04 and direct the 1st respondent to treat the petitioner in the category of Industrial Waste Projects and to fix a tariff above to Municipal Solid Waste

Counsel for the Petitioner: MR.K.V.SIMHADRI

Counsel for the Respondent Nos.1&2: SMT.M.VINOBHA DEVI

The Court made the following :

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ORAL ORDER

In view of the orders in W.P.No.24926 of 2004 which was disposed of today, this writ petition is also disposed of by a like order, as the learned counsel for the respective parties submit that the issues in this writ petition are identical to the issues in the said writ petition.

Accordingly the writ petition is dismissed with liberty to the petitioner to pursue appellate remedy before the Appellate Tribunal constituted under Section 111 of the Indian Electricity Act,2003. This Court granted an interim order on 16-09-2004 directing that no coercive steps should be taken against the petitioner pursuant to the order dated 16-09-2004(impugned) of the 1st respondent-A.P.Electricity Regulatory Commission fixing the tariff payable by the petitioner. The said interim order shall be continued for a further period of three (3) weeks so as to enable the petitioner to pursue an application for interim relief before the Appellate Tribunal.

It is made clear that nothing in this order or in the interlocutory order should be construed as an expression by this Court on the merits of the petitioner's claim and the same shall be considered by the appellate Tribunal both for interlocutory and final levels on the merits of the petitioner's appeal.

GODA RAGHURAM,J

16TH JUNE 2005

*TSNR

To

1. The Chairman, A.P.Electricity Regulatory Commission, Hyderabad.

2. The Chairman and Managing Director,A.P.Transmission Company Ltd., Vidyut Soudha, Somajiguda, Hyderabad.

3. Two C.D.Copies.